

ORIGINAL

Attorney or Party Name, Address, Telephone & FAX Numbers, and California State Bar Number Richard K. Diamond (SBN 070634) Kim Tung (SBN 196236) Danning, Gill, Diamond & Kollitz, LLP 2029 Century Park East, Third Floor Los Angeles, CA 90067 (310) 277-0077 Fax: (310) 277-5735		FOR COURT USE ONLY <div style="border: 1px solid black; padding: 5px; text-align: center;">FILED JUN 27 2003 <small>CLERK U.S. BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA BY Deputy Clerk</small></div>	
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA			
In re: LAVERNE JACKSON Debtor(s).		CASE NO.: SA 00-15333- RA SA	

NOTICE OF SALE OF ESTATE PROPERTY

Sale Date: July 3, 2003	Time: 10:30 a.m.
Location: Courtroom "6C" - 411 W. Fourth St., Santa Ana, CA	

Type of Sale: ☒ Public: ☐ Private: Last date to file objections: _____

Description of Property to be Sold: Real property commonly known as 125 E. Johnson St.,
Compton, California

Terms and Conditions of Sale: "as is" and "where is", with no warranty or recourse
whatsoever, subject to overbid.

Proposed Sale Price: \$85,000

Overbid Procedure (If Any): (see Motion or contact below)

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:

Contact Person for Potential Bidders (include name, address, telephone, fax and/or e-mail address):

Kim Tung
Danning, Gill, Diamond & Kollitz, LLP
2029 Century Park East, Third Floor
Los Angeles, CA 90067
Phone: (310) 277-0077 Fax: (310) 277-5735

Date: June 26, 2003

1 RICHARD K. DIAMOND (State Bar No. 070634)
KIM TUNG (State Bar No. 196236)
2 DANNING, GILL, DIAMOND & KOLLITZ, LLP
2029 Century Park East, Third Floor
3 Los Angeles, California 90067-2904
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5 Attorneys for
James J. Joseph, Chapter 7 Trustee
6
7

8 UNITED STATES BANKRUPTCY COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 SANTA ANA DIVISION

11 In re) Case No. SA 00-15333-RA
12 LAVERNE JACKSON,) [Chapter 7]
13 Debtor.) NOTICE OF TRUSTEE'S MOTION TO:
14) (1) APPROVE SALE OF REAL
15) PROPERTY COMMONLY KNOWN AS 125
16) E. JOHNSON STREET, COMPTON,
17) CALIFORNIA, FREE AND CLEAR OF
18) ALL LIENS AND (2) AUTHORIZE
19) PAYMENT OF REAL ESTATE BROKER
20) COMMISSIONS
21)
22) Date: July 3, 2003
23) Time: 10:30 a.m.
24) Place: Courtroom "6C"
25) 411 West Fourth Street
26) Santa Ana, California
27)
28)

22 PLEASE TAKE NOTICE that on July 3, 2003, at 10:30 a.m., in
23 Courtroom "6C", 411 West Fourth Street, Santa Ana, California,
24 James J. Joseph, the Chapter 7 trustee (the "Trustee") for the
25 bankruptcy estate of Laverne Jackson (the "Debtor"), will move the
26 Court for an order approving the sale of real property commonly

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28 ///

1 known as 125 E. Johnson Street, Compton, California (the
2 "Property"), to Juan Carlos Duarte (the "Buyer") for \$85,000 (the
3 "Motion"). The sale is to be "as is" and "where is", with no
4 warranty or recourse whatsoever. The Court may entertain higher
5 and better bids at the time of the hearing on the Motion.

6 As of the petition date, record title to the Property was
7 vested in the Debtor and Cynthia Rose Carter, an individual, as
8 joint tenants. On or about June 20, 2001, the Trustee filed a
9 Complaint commencing adversary no. SA 01-1324-LR against Cynthia
10 Rose Carter for judgment to sell the entirety of the Property,
11 including the estate's interest and the interest of Cynthia Rose
12 Carter, pursuant to 11 U.S.C. § 363(h). On or about December 18,
13 2002, the Court granted summary judgment against Cynthia Rose
14 Carter ordering that the Trustee may sell the entirety of the
15 Property, including the estate's interest and the interest of Ms.
16 Carter, with Ms. Carter's interest attaching to the net sale
17 proceeds, subject to the costs of sale.

18 The Trustee proposes to remove all liens and claims against
19 the Property, including without limitation the following:

20 (1) property tax lien(s) in the approximate amount of
21 \$1,145.03 for the year 2002-2003; and

22 (2) property tax lien(s) in the approximate amount of
23 \$12,982.13 for the years 1995-2002.

24 The Property is not the Debtor's residence, and there is no
25 homestead claimed against the Property.

26 The Trustee intends to pay the allowed amount of the real
27 property taxes, if any. The disputed portions of the real
28 property taxes, if any, will be removed from the Property and

1 attach only to the portion of the net sale proceeds of the
2 Property necessary to satisfy such liens and interests, subject to
3 the costs of sale, with the same force, effect, validity and
4 priority that they have with respect to the Property. The Trustee
5 will hold such portion of the proceeds in a segregated account.

6 Pursuant to the summary judgment, Ms. Carter's interest will
7 attach to the net sale proceeds, subject to the costs of sale.

8 The remaining undisputed portion of the net sale proceeds of
9 the Property shall be free and clear funds of the estate.

10 The Motion also seeks authority to pay real estate brokers'
11 commissions based upon the total sales price of the Property to
12 the following brokers:

13 Diversified Real Estate Brokerage (seller's broker) --

14 3% of the gross sale price of the Property

15 First Class Real Estate (buyer's broker) --

16 3% of the gross sale price of the Property

17 If a sale of the Property is confirmed as a result of a
18 higher and better offer to buyer(s) represented by different
19 broker(s), then the proposed commission for the property of 6% of
20 the gross sales price will be split between the seller's broker
21 and the broker(s) for the buyer(s).

22 The Trustee requests that the Court approve the following
23 procedure to pre-qualify overbidders: Higher and better bids must
24 be made via written offer on the form attached hereto without
25 conditions and delivered to counsel for the Trustee, accompanied
26 by a cashiers check payable to "James J. Joseph, Trustee" for 3%
27 of the price bid, so that they all are received not less than two
28 (2) court days before the date of the hearing. Such payment will

1 be nonrefundable in the event that a sale is confirmed to the
2 party bidding and the bidder defaults, but otherwise will be
3 credited to the sale price.

4 The Motion is made upon the grounds that the sale is
5 authorized by the provisions of 11 U.S.C. §§ 363(b)(1), the sale
6 price is fair and reasonable, and is beneficial to this estate and
7 those interested in the estate.

8 This Motion is based upon the attached Memorandum of Points
9 and Authorities, the Declaration of James J. Joseph, and such
10 further evidence as the Court may consider at the hearing on the
11 Motion.

12 **PLEASE TAKE FURTHER NOTICE** that, pursuant to Local Bankruptcy
13 Rule 9013-1(a)(7), any party opposing the relief sought by the
14 Motion must file a written opposition setting forth the facts and
15 law upon which the opposition is based and must appear at the
16 hearing on the Motion. Any response to the Motion must be in
17 writing, filed with the Clerk of the Court and served upon counsel
18 for the Trustee named in the upper left-hand corner of this notice
19 not less than fourteen (14) calendar days prior to the hearing on
20 the Motion. Pursuant to Local Bankruptcy Rule 9013-1(a)(11), any
21 response not timely filed and served may be deemed by the Court to
22 be consent to the granting of the Motion.

23
24 DATED: June 4, 2003

DANNING, GILL, DIAMOND & KOLLITZ, LLP

25
26 By: 

KIM TUNG

27 Attorneys for James J. Joseph,
28 Chapter 7 Trustee

1 PROOF OF SERVICE

2 I, Martha Gonzalez, declare:

3 I am employed by the law firm of Danning, Gill, Diamond &
4 Kollitz, LLP, in the County of Los Angeles, State of California.
5 I am employed in the office of a member of the bar of this court
6 at whose direction the service was made. I am over the age of 18
7 years and am not a party to the within action. My business
8 address is 2029 Century Park East, Third Floor, Los Angeles,
9 California 90067-2904.

10 On June 4, 2003, I served the following document(s): **NOTICE OF**
11 **TRUSTEE'S MOTION TO: (1) APPROVE SALE OF REAL PROPERTY COMMONLY**
12 **KNOWN AS 125 E. JOHNSON STREET, COMPTON, CALIFORNIA, FREE AND**
13 **CLEAR OF ALL LIENS AND (2) AUTHORIZE PAYMENT OF REAL ESTATE BROKER**
14 **COMMISSIONS** on the interested parties addressed as follows:

15 [SEE ATTACHED SERVICE LIST.]

16 (By Mail) I placed the document for collection and deposit in
17 the mail. I am familiar with this firm's practice for the
18 collection and processing of correspondence for mailing. Under
19 that practice, the document would be placed in a sealed envelope
20 and deposited with the U.S. Postal Service on that same day with
21 postage thereon fully prepaid at 2029-2049 Century Park East, Los
22 Angeles, California, in the ordinary course of business. The
23 documents served were placed in sealed envelopes and placed for
24 collection and mailing following ordinary business practices.

25 I declare under penalty of perjury under the laws of the
26 State of California and of the United States of America that the
27 foregoing is true and correct.

28 Executed on June 4, 2003, at Los Angeles, California.

21
22 
23 Martha Gonzalez

SERVICE LIST

1
2
3 Office of the U.S. Trustee
4 411 West Fourth Street, Suite 9041
5 Santa Ana, CA 92701-4593
6
7 Debtor
8 Laverne Jackson
9 150 S. Vine Street
10 Anaheim, CA 92805
11
12 Attorney for Debtor
13 Shirley A. McCabe, Esq.
14 1021 W. Bastanchury Rd., Ste.140
15 Fullerton, CA 92833
16
17 Cynthia Rose Carter
18 214 No. Locust Ave.
19 Compton, CA 90221
20
21 Cynthia Rose Carter
22 6081 Fullerton Ave. #11
23 Buena Park, CA 90621
24
25 Chapter 7 Trustee
26 James J. Joseph, Trustee
27 Danning, Gill, Diamond & Kollitz, LLP
28 2029 Century Park East, Third Floor
29 Los Angeles, CA 90067
30 (via hand delivery)
31
32 Trustee's Broker
33 Ron Bombiger
34 Diversified Real Estate Brokerage
35 11708 San Vicente Blvd. #290
36 Los Angeles, CA 90049
37
38 Buyer's Broker/Buyer
39 Juan Carlos Duarte
40 c/o First Class Real Estate
41 4343 Tweedy Blvd.
42 South Gate, CA 90280
43
44 County Tax Collector
45 Elizabeth Cortez, Esq.
46 Senior Deputy Counsel
47 County of Los Angeles
48 500 W. Temple Street
49 Los Angeles, CA 90012
50
51
52

1 Creditors:
2 American Express Optima
Acct. #: 3737-232720-03301
3 Suite 0002
Chicago, IL 60679-0002
4
5 American Express
Acct. #: 372894825401009
P.O. Box 0001
6 Los Angeles, CA 90096-0001
7 Best Buy/HRS USA
Acct: 7001-0621-0333-7303
8 P.O. Box 7010
Anaheim, CA 92850-7010
9
10 Countrywide Home Loans
Acct: 5277981
11 P.O. Box 10229
Van Nuys, CA 91410-0229
12
13 County of Los Angeles
Tax Collector
14 225 No. Hill St., 1st Floor
Los Angeles, CA 90012
15
16 Discover Card
Acct: 6011000645512579
P.O. Box 30395
17 Salt Lake City, UT 84130-0395
18
19 First Card
Acct: 5544562012671310
P.O. Box 50882
20 Henderson, NV 89016-0882
21
22 First USA Bank
Acct: 4417122818120595
PO Box 50882
23 Henderson, NV 89016
24
25 Fleet Mortgage
Acct: 0373529135
PO Box 3139
26 Milwaukee, WI 53201-3139
27
28

1 Fleet
Acct: 4071296993062736
2 PO Box 15368
Wilmington, DE 19886-5368
3
4 Household Bank
Acct: 210097-16-109927-2
5 PO Box 438
Wood Dale, RI 60191
6
7 Kaiser Federal Credit Union
Acct: 12423600094
8 PO Box 7213
Pasadena, CA 91109
9
10 Ken Crane/HRS USA
Acct: 0108-115544102798
PO Box 7010
11 Anaheim, CA 92850-7010
12
13 Nissan Motor Acceptance
Acct: 25005147147
Dept. 4748
14 Los Angeles, CA 90096-4748
15
16 Sanwa Bank
Acct: 0642-14254
PO Box 30531
17 Los Angeles, CA 90030
18
19 Sears
Acct: 088429761728-1
PO Box 818017
20 Cleveland, OH 44181-8017
21
22 Wells Fargo Bank
Acct: 59S387512
85 Cleaveland Road
Pleasant Hill, CA 94523
23
24 Wells Fargo
Acct: 7487168593
PO Box 29476
25 Phoenix, AZ 85038
26
27 Wells Fargo
P.O. Box 29487
Phoenix, AZ 85038
28

1 Wells Fargo Education Financial Services
P. O. Box 5185
2 Sioux Falls, SD 57117-5185
3 Wells Fargo Bank
4 Acct: 4465390009974754
PO Box 29487
5 Phoenix, AZ 85038
6 Discover Bank
P.O. Box 8003
7 Hilliard, OH 43026
8 Wells Fargo Bank NA
9 P.O. Box 3696
Portland, OR 97208
10
11 American Express Travel Related
P.O. Box 3001
12 Malvern, PA 19355-0701
13 American Express Centurion Bank
c/o Becket & Lee LLP
14 P.O. Box 3001
Malvern, PA 19355-0701
15
16 American Express Optima Bank
c/o Becket & Lee LLP
17 P.O. Box 3001
Malvern, PA 19355-0701
18
19 Securities and Exchange Commission
Attn: Sandra W. Lavigna
20 5670 Wilshire Blvd., 11th Floor
Los Angeles, CA 90036
21
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23
24
25
26
27
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